



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,868	04/13/2004	George S. Gabriel	364106/0350	5647

7590 08/31/2005
Steven B. Pokotilow
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038

EXAMINER

MICHENER, JOSHUA J

ART UNIT	PAPER NUMBER
----------	--------------

3644

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,868

Applicant(s)

GABRIEL ET AL.

Examiner

Joshua J. Michener

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-46 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:
 - Phraseology corrections
 - Antecedent basis corrections
2. **The following are correction suggestions for allowance:**
3. Claim 1, line 7, change “is capable of providing” to - -provides- -
4. Claim 3, change “is capable of forming” to - -forms- -
5. Claim 4, change “is capable of forming” to - -forms- -
6. Claim 5, change “is capable of adding” to - -adds- -
7. Claim 6, change “is capable of forming” to - -forms- -
8. Claim 7, change “is capable of cutting” to - -cuts- -
9. Claim 8, change “is capable of providing” to - -provides- -
10. Claim 9, change “is capable of heating” to - -heats- -
11. Claim 14, line 6, change “is capable of providing” to - -provides- -
12. Claim 19, change “the bag material provided in rolls” to - -further comprising providing bag material in rolls- -
13. Claims 22 and 24, there is no antecedent basis for “cage level barrier-type cages” because they are not positively claimed in Claim 14. However, they are claimed in Claim 18. A change is necessary.
14. Claim 23, there is no antecedent basis for “the conveyor system”. However, it is claimed in Claim 20. A change is necessary.

Art Unit: 3644

15. Claim 25, line 6, change “is capable of providing” to - -provides- -
16. Claim 30, change “the bag material being provided in rolls,” to - - further comprising providing bag material in rolls,- -
17. Claims 33 and 35, there is no antecedent basis for “cage level barrier-type cages” because they are not positively claimed in Claim 25. However, they are claimed in Claim 29. A change is necessary.
18. Claim 34, there is no antecedent basis for “the conveyor system”. However, it is claimed in Claim 31. A change is necessary.
19. Claim 36, line 6, change “is capable of providing” to - -provides- -
20. Claim 41, there is no antecedent basis for “rolls”. Either remove rolls or change Claim 37 from “further comprising bag material that is provided” to - - further comprising providing bag material in rolls- -
21. Claims 44 and 46, there is no antecedent basis for “cage level barrier-type cages” because they are not positively claimed in Claim 36. However, they are claimed in Claim 40. A change is necessary.
22. Claim 45, change “The method of claim 44,” to - -The system of claim 44,- -

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua J. Michener whose telephone number is (571) 272-1467. The examiner can normally be reached on Monday through Friday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (571) 272-7045. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joshua J Michener
Examiner
Art Unit 3644

jjm



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER